

MICHIGAN ELECTION LAW (EXCERPT)

Act 116 of 1954

CHAPTER XIV

SCHOOL AND COMMUNITY COLLEGE ELECTIONS

168.301 School district election; school district election coordinator; duties; delegation; precincts and polling place locations.

Sec. 301. (1) Unless a particular power or duty of an election official or a particular election procedure is specifically governed by a provision of this chapter, a school district election is governed by the provisions of this act that generally govern elections.

(2) Except as provided in section 305, the school district election coordinator for a school district shall conduct each regular election and each special election that is requested by the school board to submit a ballot question or to fill a vacancy on the school board. In addition to receiving requests from the school board to hold special elections, the school district election coordinator shall do all of the following:

(a) Receive filing fees or nominating petitions and affidavits of identity from candidates for school board and petitions for special elections.

(b) Procure the necessary qualified voter file precinct lists.

(c) Certify candidates.

(d) Receive ballot proposal language.

(e) Issue absent voter ballots.

(3) A school district election coordinator who is a county clerk may delegate, if the city or township clerk agrees, all or a portion of the school district election coordinator's duties to that city or township clerk. The school district election coordinator shall not delegate duties to any person not named in this section.

(4) A school district election coordinator who is a county clerk may delegate the following duties to the city or township clerk, who shall perform the following duties:

(a) Distribute, receive, and process absent voter ballot applications for a school election.

(b) Make voting systems available for the conduct of a school election.

(c) Make available to the school district election coordinator the list of election inspectors for that city or township.

(d) Notify school district electors of precinct and polling place location changes.

(5) If the county clerk is the school district election coordinator for a school district, the county election commission shall establish that school district's election precincts and polling place locations in accordance with this act.

History: Add. 2003, Act 302, Eff. Jan. 1, 2005;—Am. 2004, Act 286, Imd. Eff. July 23, 2004;—Am. 2005, Act 71, Imd. Eff. July 14, 2005.

Compiler's note: Former Chapter XIV. and its contents, MCL 168.301-168.316, were repealed by Act 6 of 1963, 2nd Ex. Sess., Imd. Eff. Dec. 27, 1963.

Former Chapter XIV. was entitled "SUPERINTENDENT OF PUBLIC INSTRUCTION AND STATE HIGHWAY COMMISSIONER." Former MCL 168.301 pertained to eligibility for office of state highway commissioner or superintendent of public instruction.

Enacting section 4 of Act 71 of 2005 provides:

"Enacting section 4. If any portion of this amendatory act or the application of this amendatory act to any person or circumstances is found invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

Popular name: Election Code

168.302 School board member; eligibility; election; terms; phasing in or out terms; transition plan.

Sec. 302. An individual is eligible for election as a school board member if the individual is a citizen of the United States and is a qualified and registered elector of the school district the individual seeks to represent by the filing deadline. At least 1 school board member for a school district shall be elected at each of the school district's regular elections held as provided in section 642 or 642a. Except as otherwise provided in this section or section 310 or 644g, a school board member's term of office is prescribed by the applicable provision of section 11a, 617, 701, or 703 of the revised school code, 1976 PA 451, MCL 380.11a, 380.617, 380.701, and 380.703, or section 34, 34a, 41, 54, or 83 of the community college act of 1966, 1966 PA 331, MCL 389.34, 389.34a, 389.41, 389.54, and 389.83. Except as provided in section 302a, if a ballot question changing the number of school board members or changing the terms of office for school board members pursuant to section 11a of the revised school code, 1976 PA 451, MCL 380.11a, is proposed and a school

district needs a temporary variance from the terms of office provisions in this act and the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, to phase in or out school board members' terms of office, the school board shall submit the proposed ballot question language and a proposed transition plan to the secretary of state at least 30 days before the school board submits the ballot question language to the school district election coordinator pursuant to section 312. The secretary of state shall approve or reject the proposed transition plan within 10 business days of receipt of the proposed transition plan. The secretary of state shall approve the proposed transition plan if the plan provides only temporary relief to the school district from the terms of office provisions in this act and the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, until such time that the terms of office for school board members can be made to comply with this act and the revised school code, 1976 PA 451, MCL 380.1 to 380.1852. The school board shall not submit the proposed ballot question language to the school district election coordinator pursuant to section 312 until the proposed transition plan is approved by the secretary of state. A school board member's term begins on 1 of the following dates:

(a) If elected at an election held on a November regular election date, January 1 immediately following the election.

(b) If elected at an election held on a May regular election date, July 1 immediately following the election.

History: Add. 2003, Act 302, Eff. Jan. 1, 2005;—Am. 2005, Act 71, Imd. Eff. July 14, 2005.

Compiler's note: Former MCL 168.302, which pertained to nomination as candidate for office of state highway commissioner or superintendent of public instruction, was repealed by Act 6 of 1963, 2nd Ex. Sess., Imd. Eff. Dec. 27, 1963.

Enacting section 4 of Act 71 of 2005 provides:

"Enacting section 4. If any portion of this amendatory act or the application of this amendatory act to any person or circumstances is found invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

Popular name: Election Code

168.302a Transition plan; compliance.

Sec. 302a. If on or before January 1, 2004 a school district's electors approved a plan to change the number of school board members or change the terms of office for school board members, and if legislation enacted after January 1, 2004 makes implementation of these changes impossible or impractical, the school board may adopt by resolution at a public hearing a transition plan to bring the school district's election schedule back into compliance with the intent of the plan approved by the electors on or before January 1, 2004 without requiring approval of the transition plan by the secretary of state or preparation or passage of a ballot question.

History: Add. 2005, Act 71, Imd. Eff. July 14, 2005.

Popular name: Election Code

168.303 Appearance of candidate's name on official ballot; nominating petition; form; filing fee; signatures; withdrawal.

Sec. 303. (1) Subject to subsection (4), for an individual's name to appear on the official ballot as a candidate for school board member, the candidate shall file a nominating petition and the affidavit required by section 558 with the school district filing official not later than 4 p.m. on the twelfth Tuesday before the election date. The nominating petition must be signed by the following number of electors of the school district:

(a) If the population of the school district is less than 10,000 according to the most recent federal census, a minimum of 6 and a maximum of 20.

(b) If the population of the school district is 10,000 or more according to the most recent federal census, a minimum of 40 and a maximum of 100.

(2) The nominating petition shall be substantially in the form prescribed in section 544c, except that the petition shall be nonpartisan and shall include the following opening paragraph:

We, the undersigned, registered and qualified voters
of _____
and residents of the _____, the
(legal name of school district)
county of _____, state of Michigan,
(city or township)
nominate _____
(name of candidate)

(street address) (city or township)
a registered and qualified elector of the district as a member
of the board of education of the school district for a term
of _____ years, expiring _____, to be voted for at the
election to be held on the _____ day of _____,
(month) (year).

(3) A school elector shall not sign petitions for more candidates than are to be elected.

(4) Instead of filing nominating petitions, a candidate for school board member may pay a nonrefundable filing fee of \$100.00 to the school district filing official. If this fee is paid by the due date for a nominating petition, the payment has the same effect under this section as the filing of a nominating petition.

(5) A nominating petition filed under this chapter is subject to the examination and investigation process prescribed in section 552 as to its sufficiency and the validity and genuineness of the signatures on the nominating petition, and to the other procedures prescribed in that section relevant to a petition filed under this chapter.

(6) After a nominating petition is filed or filing fee is paid for a candidate for school board member, the candidate is not permitted to withdraw unless a written withdrawal notice, signed by the candidate, is filed with the school district filing official not later than 4 p.m. of the third day after the last day for filing the nominating petition. If the school district filing official is not a county clerk, the school district filing official shall notify the county clerk of the candidates' names and addresses not later than 3 days after the last day for filing a withdrawal notice.

History: Add. 2003, Act 302, Eff. Jan. 1, 2005.

Compiler's note: In the form in subsection (2), the first instance of the descriptive element "(city or township)" is evidently positioned below the wrong blank line. The element should be positioned below the first blank line in the form.

Popular name: Election Code

168.304 Repealed. 1963, 2nd Ex. Sess., Act 6, Imd. Eff. Dec. 27, 1963.

Compiler's note: The repealed section pertained to withdrawal from nomination for office of state highway commissioner or superintendent of public instruction.

Popular name: Election Code

168.305 School district election coordinating committee; meeting; report; election arrangements; precincts.

Sec. 305. (1) Within 30 days after the effective date of this chapter, the school district election coordinating committee for each school district shall hold an initial meeting. Within 14 days after convening the initial meeting, the school district election coordinating committee shall file a report with the secretary of state that sets forth the arrangements that are agreed upon for the conduct of the school district's elections. Each school district election coordinating committee member shall sign the report and retain a copy.

(2) After filing its initial report under subsection (1), a school district election coordinating committee shall meet at 2-year intervals to review and, if necessary, alter the election arrangements set forth in its previous report. After each review, a school district election coordinating committee shall either notify the secretary of state in writing that its previous report is not being altered or file with the secretary of state a report with the alterations. Election arrangements made by the clerks of the jurisdictions participating in the school district election coordinating committee meeting are binding on the participating jurisdictions for at least 2 years after the report is filed, and each jurisdiction continues to be bound until an altered report is filed.

(3) The arrangements agreed upon by a school district election coordinating committee for the conduct of the school district's elections shall accomplish at least both of the following:

(a) If a school district election is held on the same day as an election of a jurisdiction that overlaps with the school district, an elector wishing to vote in both elections shall not be required to vote at 2 different locations.

(b) If, before the filing of an initial report or of the notice or altered report after its 2-year review, a city or township clerk notifies the school district election coordinating committee that the city or township clerk, in consultation with the city council or township board, as applicable, has decided to participate in the conduct of the school district's elections, the school district election coordinating committee shall include that city or township clerk in its initial or an altered report as the person conducting the school district's elections in the clerk's city or township.

(4) Notwithstanding the other provisions of this chapter, if a city or township is holding an election for elective office or on a ballot question at the same time that a school district located in whole or part in the city or township is holding an election, the city or township clerk shall also conduct the school district election

within his or her jurisdiction. If a city or township clerk is conducting a school election under this subsection, the clerk shall use the same precincts that are used for state and federal elections as the precincts for the school district election. If these precincts change the polling place location for school district electors, the clerk shall notify those school district electors of the location of the different polling place. A city or township clerk with the consent of the school district election coordinator may use the school election precincts and polling places. A city or township clerk conducting an election under this subsection may consolidate election precincts in the manner provided in section 659.

History: Add. 2003, Act 302, Eff. Jan. 1, 2005;—Am. 2004, Act 287, Imd. Eff. July 23, 2004.

Compiler's note: Former MCL 168.305, which pertained to filling vacated nominated candidacies for offices of state highway commissioner and superintendent of public instruction, was repealed by Act 6 of 1963, 2nd Ex. Sess., Imd. Eff. Dec. 27, 1963.

Popular name: Election Code

168.306 Repealed. 1963, 2nd Ex. Sess., Act 6, Imd. Eff. Dec. 27, 1963.

Compiler's note: The repealed section pertained to election dates of state highway commissioner and superintendent of public instruction.

Popular name: Election Code

168.307 Statement of returns; certification of election; votes subject to recount.

Sec. 307. (1) The appropriate board of canvassers as prescribed in section 24a or 30a shall canvass the votes for candidates for school board member and votes for and against a ballot question at a regular or special election in each school district. That number of candidates equal to the number of individuals to be elected who receive the greatest number of votes cast at the election, as set forth in the report of the board of canvassers canvassing the votes, based upon the returns from the election precincts or as determined by the board of canvassers as a result of a recount, are elected to the office of school board member. Upon completion of the canvass, the board of canvassers shall make a statement of returns and certify the election of school board members to the secretary of the school board, the county clerk, and, if other than the county clerk, the school district election coordinator.

(2) The votes cast for a candidate for school board member or on a ballot question submitted to the electors at a school election are subject to recount as provided in chapter XXXIII. An individual elected to the office of school board member is subject to recall as provided in chapter XXXVI and in section 8 of article II of the state constitution of 1963.

History: Add. 2003, Act 302, Eff. Jan. 1, 2005.

Compiler's note: Former MCL 168.307, which pertained to certificate of determination by board of state canvassers declaring election to offices of state highway commissioner and superintendent of public instruction, was repealed by Act 6 of 1963, 2nd Ex. Sess., Imd. Eff. Dec. 27, 1963.

Popular name: Election Code

168.308 Certification of board of canvassers; preservation; filing; execution.

Sec. 308. A local official who receives the certification of the board of canvassers under section 307 shall preserve and file in his or her office the certified statement of returns and certification of the board of canvassers of the result of the election. The city, township, or county clerk who is the secretary to the board of canvassers canvassing the school board election shall immediately execute and provide to the individuals declared elected to the office of school board member a certificate of election.

History: Add. 2003, Act 302, Eff. Jan. 1, 2005.

Compiler's note: Former MCL 168.308, which pertained to preservation and certification of election results of state highway commissioner and superintendent of public instruction, was repealed by Act 6 of 1963, 2nd Ex. Sess., Imd. Eff. Dec. 27, 1963.

Popular name: Election Code

168.309 Acceptance of office.

Sec. 309. Within 5 business days after certification of an election, each member-elect shall be notified of the election. Within 10 business days after notification by the school district election coordinator of election or appointment to the board, each person shall file with the secretary of the board an acceptance of the office to which the person has been elected or appointed. The secretary of the board shall forward a copy of the acceptance to the school district election coordinator.

History: Add. 2004, Act 288, Imd. Eff. July 23, 2004.

Compiler's note: Former MCL 168.309, which pertained to terms of office of state highway commissioner and superintendent of public instruction, was repealed by Act 6 of 1963, 2nd Ex. Sess., Imd. Eff. Dec. 27, 1963.

Popular name: Election Code

168.310 Office of school board member; oath; vacancy; conditions.

Sec. 310. (1) Before entering upon the duties of his or her office, an individual elected to the office of school board member shall take and subscribe to the oath provided in section 1 of article XI of the state constitution of 1963.

(2) The office of a school board member becomes vacant immediately, regardless of declaration by an officer or acceptance by the school board or 1 or more of its members, upon any of the following events:

- (a) The death of the school board member.
- (b) The school board member's being adjudicated insane or being found to be a legally incapacitated individual by a court of competent jurisdiction.
- (c) The school board member's resignation.
- (d) The school board member's removal from office.
- (e) The school board member's conviction for a felony.
- (f) The school board member's election or appointment being declared void by a competent tribunal.
- (g) The school board member's neglect or failure to file the acceptance of office, to take the oath of office, or to give or renew an official bond required by law.
- (h) The school board member ceasing to possess the legal qualifications for holding office.
- (i) The school board member moving his or her residence from the school district.

History: Add. 2003, Act 302, Eff. Jan. 1, 2005.

Compiler's note: Former MCL 168.310, which pertained to oath of office of state highway commissioner and superintendent of public instruction, was repealed by Act 6 of 1963, 2nd Ex. Sess., Imd. Eff. Dec. 27, 1963.

Popular name: Election Code

168.311 Vacancy; appointment; election; notice to school district election coordinator.

Sec. 311. (1) If less than a majority of the offices of school board member of a school district become vacant, the remaining school board members shall fill each vacant office by appointment. If a vacancy in the office of school board member is not filled within 30 days after the vacancy occurs or if a majority of the offices of school board member of a school district become vacant, the intermediate school board for that school district shall fill each vacancy by appointment. An individual appointed under this subsection serves until a successor is elected and qualified.

(2) If a vacancy occurs in an office of school board member more than 90 days before a regular school election, an election shall be held at that regular school election to fill that office for the remainder of the office's unexpired term, if any. This subsection applies regardless of whether an individual is appointed under subsection (1) to fill the vacancy.

(3) Within 3 days after an appointment is made to fill a vacancy in an elected office in a school district, the secretary of the school board shall notify the school district election coordinator, in writing, of the name, address, and office of the person who vacated the office as well as the person filling the office.

History: Add. 2003, Act 302, Eff. Jan. 1, 2005;—Am. 2004, Act 289, Imd. Eff. July 23, 2004.

Compiler's note: Former MCL 168.311, which pertained to notice of resignation of state highway commissioner or superintendent of public instruction, was repealed by Act 6 of 1963, 2nd Ex. Sess., Imd. Eff. Dec. 27, 1963.

Popular name: Election Code

168.312 Ballot question; submission; certification of ballot question language; scheduling of special election date.

Sec. 312. (1) A school board may submit a ballot question to the school electors on a regular election date, on a date when a city or township within the school district's jurisdiction is holding an election by adopting a resolution to that effect not less than 70 days before the election date, or on a special election date as provided in section 641(4). The school board shall certify the ballot question language to the school district election coordinator not less than 70 days before the election date. The school district election coordinator shall send a copy of the ballot question language to the county clerk of each county not less than 68 days before the election.

(2) If a special election is called on a date provided under section 641(4), the school district election coordinating committee shall schedule the special election date.

History: Add. 2003, Act 302, Eff. Jan. 1, 2005;—Am. 2005, Act 71, Imd. Eff. July 14, 2005;—Am. 2006, Act 647, Eff. May 14, 2007.

Compiler's note: Former MCL 168.312, which pertained to vacancy of office of state highway commissioner or superintendent of public instruction, was repealed by Act 6 of 1963, 2nd Ex. Sess., Imd. Eff. Dec. 27, 1963.

Enacting section 4 of Act 71 of 2005 provides:

"Enacting section 4. If any portion of this amendatory act or the application of this amendatory act to any person or circumstances is
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found invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

Popular name: Election Code

168.313 Repealed. 1963, 2nd Ex. Sess., Act 6, Imd. Eff. Dec. 27, 1963.

Compiler's note: The repealed section pertained to impeachment of state highway commissioner or superintendent of public instruction.

Popular name: Election Code

168.314 Repealed. 1963, 2nd Ex. Sess., Act 6, Imd. Eff. Dec. 27, 1963.

Compiler's note: The repealed section pertained to appointment by governor to fill vacancy in office of state highway commissioner or superintendent of public instruction.

Popular name: Election code

168.315 Payment by school district to county, city, and township.

Sec. 315. (1) A school district shall pay to each county, city, and township that conducts a regular or special election for the school district an amount determined in accordance with this section.

(2) If a school district's regular or special election is held in conjunction with another election conducted by a county, city, or township, the school district shall pay the county, city, or township 100% of the actual additional costs attributable to conducting the school district's regular or special election. If a school district's regular or special election is not held in conjunction with another election conducted by a county, city, or township, the school district shall pay the county, city, or township 100% of the actual costs of conducting the school district's regular or special election.

(3) The county, city, or township shall present to a school district a verified account of actual costs of conducting the school district's regular or special election not later than 84 days after the date of the election. The school board shall pay or disapprove all or a portion of the verified account within 84 days after the school district receives a verified account of actual costs under this subsection.

(4) If the school board disapproves all or a portion of a verified account of actual costs under subsection (3), the school board shall send a notice of disapproval along with the reasons for the disapproval to the county, city, or township. Upon request of a county, city, or township whose verified account or portion of a verified account was disapproved under this section, the school board shall review the disapproved costs with the county, city, or township.

(5) A school board, county, city, or township shall use the agreement made between the department of treasury and the secretary of state, as required by section 487, as a basis for preparing and evaluating verified accounts under this section. The secretary of state shall assist a school board, county, city, or township in preparing and evaluating a verified account under this section. If a county, city, or township and a school board cannot agree on the actual costs of an election as prescribed by this section, the secretary of state shall determine those actual costs.

History: Add. 2003, Act 302, Eff. Jan. 1, 2005.

Compiler's note: Former MCL 168.315, which pertained to recount of votes for election of state highway commissioner or superintendent of public instruction, was repealed by Act 6 of 1963, 2nd Ex. Sess., Imd. Eff. Dec. 27, 1963.

Popular name: Election Code

168.316 Board members subject to recall.

Sec. 316. Each member of a board of a school district, a local act school district, or an intermediate school district is subject to recall by the school electors of the respective district in the manner prescribed in chapter XXXVI.

History: Add. 2004, Act 257, Imd. Eff. July 23, 2004.

Compiler's note: Former MCL 168.316, which pertained to state highway commissioner or superintendent of public instruction subject to recall, was repealed by Act 6 of 1963, 2nd Ex. Sess., Imd. Eff. Dec. 27, 1963.

Popular name: Election Code